

**IN THE UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION**

JASON LEE VAN DYKE,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
THOMAS CHRISTOPHER	§	NO. 4:18-CV-247-ALM
RETZLAFF, a/k/a DEAN	§	
ANDERSON, d/b/a BV FILES, VIA	§	
VIEW FILES, L.L.C., and VIAVIEW	§	
FILES,	§	
<i>Defendants</i>	§	

**RETZLAFF’S UNOPPOSED MOTION FOR LEAVE FILE AMENDED MOTION
FOR NO-EVIDENCE SUMMARY JUDGMENT (DOC. 196)**

I. INTRODUCTION

1. Plaintiff is Jason Van Dyke; defendant is Thomas Retzlaff.
2. This case is set for trial during the period January 4-29, 2021.

II. ARGUMENT & AUTHORITIES

3. On August 12, 2020, Van Dyke filed a stipulation of dismissal of three of his seven claims. (Doc. 195.)
4. Assuming the Court approves Van Dyke’s stipulation of dismissal, the case will have been streamlined from seven causes of action to four.
5. Retzlaff’s original motion for no-evidence summary judgment (Doc. 194) was filed on July 31, 2020. That motion was directed to Van Dyke’s seven causes of action extant at that time.

6. Retzlaff's original motion for no-evidence summary judgment (Doc. 194) now contains superfluous briefing on causes of action Van Dyke no longer asserts. In the interests of clarity and judicial economy, Retzlaff seeks leave to file his (shorter) amended motion for no-evidence summary judgment (Doc. 196) to remove superfluous briefing and address only the four causes of action Van Dyke still asserts.

7. The amended motion for no-evidence summary judgment (Doc. 196) supersedes the original motion for no-evidence summary judgment (Doc. 194). Therefore, the Court should restart the deadline for Van Dyke to respond to the amended motion for no-evidence summary judgment so that it begins to run contemporaneously with the filing of the amended motion (Doc. 196) on August 12, 2020.

8. Van Dyke is not opposed to Retzlaff's motion for leave to file this amended motion for no-evidence summary judgment.

III. CONCLUSION & PRAYER

9. For these reasons, Retzlaff respectfully prays the Court to grant leave for Retzlaff to file his amended motion for no-evidence summary judgment (Doc. 196) contemporaneously filed herewith. Retzlaff prays that the Court grant such other and further relief, at law or in equity, as to which Retzlaff shall show himself justly entitled.

Respectfully submitted,

HANSZEN LAPORTE

By: /s/ Jeffrey L. Dorrell

JEFFREY L. DORRELL

State Bar No. 00787386

Federal ID # 18465

jdorrell@hanszenlaporte.com

ANTHONY L. LAPORTE

State Bar No. 00787876

alaporte@hanszenlaporte.com

14201 Memorial Drive

Houston, Texas 77079

Telephone 713-522-9444

FAX: 713-524-2580

ATTORNEYS FOR DEFENDANT TOM RETZLAFF

CERTIFICATE OF CONFERENCE

I certify that on August 11, 2020, I conferred with plaintiff pro se Jason Van Dyke, who advised he was **NOT OPPOSED** to Retzlaff's motion for leave to file an amended motion for no-evidence summary judgment.

/s/ Jeffrey L. Dorrell

JEFFREY L. DORRELL

CERTIFICATE OF SERVICE

I certify that on 8-12, 2020, the foregoing was electronically filed using the Court's CM/ECF filing system, which will provide notice and a copy of this document to the following if a registered ECF filer in the United States District Court for the Eastern District of Texas, Sherman Division.

Mr. Jason Lee Van Dyke
Plaintiff, Pro Se
108 Durango Drive
Crossroads, Texas 76227
Telephone: 469-964-5346
FAX: 972-421-1830
jasonleevandyke@protonmail.com

/s/ Jeffrey L. Dorrell
JEFFREY L. DORRELL